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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,996	08/05/1999	TIMOTHY P. BARBER	2-604.2-1	6192

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EXAMINER

HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/368,996

Applicant(s)

BARBER, TIMOTHY P.

Examiner

Thu Thao Haven

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/4/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Response to Amendment

Claims 1-13 are pending. This action is in response to the interview summary of February 4, 2005.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik (US 5,715,403) in view of Grawrock et al. (US 2004/0093506).

Re claims 1, 10, and 13, Stefik teaches a method of billing, by a third party, for access by a consumer to information made available by a vendor over a computer network, with the billing based on how long the consumer elects to access the information (col. 7, lines 16-48; col. 17, lines 5-60; figs. 1 and 3; Stefik discloses a third party to control the billings as a billing clearinghouse), the method comprising the steps of:

a) when a consumer visits a vendor network address and decides to purchase access to information made available over the computer network by the vendor, having the consumer exercise a third-party link that will connect the consumer to the third party (col. 18, lines 1-42; fig. 14);

b) having the third party provide to the consumer an exercisable start-session link for starting access to the information (col. 8, lines 22-32; figs. 11 and 15; In figure 15, Stefik discloses start-session by periodically recording billing transactions based on when the customer starts and end); and

c) having the third-party link and the start-session link are links on respective pages for presentation to the consumer by equipment operated by the consumer (figs. 15-18; Stefik discloses time duration of the usage by the consumer).

However, Stefik does not explicitly teach a browser hosted. On the other hand, Grawrock discloses a browser hosted when he discloses an Internet system (para. 0179, 0014, 0016-0017, 0019, and 0032). Grawrock discloses records may be stored as digital data in a computer that is operatively coupled to a network (e.g., the Internet). His system authorizes user to connect via the Internet with a Web site. Thus, it would have been obvious to one of ordinary skill in the art to implement a browser hosted in an Internet that has a Web site as discloses in Grawrock.

Re claims 2 and 5, Stefik teaches a method of billing a consumer for access for a limited time to information made available by a vendor, the access provided over a computer network, the method requiring participation by a third party to mediate between the consumer

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and the vendor (col. 7, lines 16-48; col. 17, lines 5-60; figs. 1 and 3; Stefik discloses a third party to control the billings as a billing clearinghouse), the method comprising the steps of:

a) having the vendor establish an account with the third party and provide to the third party a session connect address that is an address on the computer network of the information made available by the vendor (col. 13, lines 20-67; fig. 5);

b) having the third party provide the vendor with a start session address that is an address on the computer network of the third party to which the vendor is to direct a consumer to start timing access by the consumer to the information made available by the vendor (col. 48, lines 35-59; figs. 15-18);

c) having the vendor make available over the computer network a pricetag link that will connect a prospective consumer with the third party (col. 29, line 59 to col. 30, line 67; Stefik discloses billing transaction corresponding to pricetag);

d) if the consumer exercises the pricing link, having the third party return to the consumer a pricetag page that includes a price-per-unit time for access to the information made available for access by the vendor, a maximum duration of access for which the consumer is authorized, and a link to the start session address, which is an address of the third party (col. 32, lines 46-67; col. 29, line 59 to col. 30, line 67);

e) if the consumer exercises the link to the start session address, having the third party return to the consumer an end session link, which the consumer can use to terminate the purchase of access to information from the vendor earlier than waiting for the maximum duration of access to expire, and an authentication code (figs. 15-18);

f) also if the consumer exercises the link to the start session address, having the third party provide to the vendor the consumer authentication code and the consumer address, and begin billing the consumer beginning when the consumer exercised the start session link (col. 29, line 59 to col. 31, line 48);

g) having the vendor provide to the consumer a page, located at the session connect address of the vendor, that provides an access link to the information made available by the vendor (col. 27, line 32 to col. 28, line 65; Stefik discloses hotlist that enables session connection for different transactions);

h) if the consumer exercises the access link, having the vendor provide access to the information until either the maximum duration expires, or the consumer exercises the end session link (col. 22, lines 10-46); and

i) if the consumer exercises the end session link, which redirects the consumer to the third party, having the third party notify the vendor that the consumer access is terminated, and having the third party stop billing the consumer (col. 21, line 49 to col. 22, line 37; Stefik discloses time specification including end-session link);

wherein the pricetag link and the link to the start session address are links on respective pages for presentation to the consumer by equipment operated by the consumer (col. 29, line 59 to col. 30, line 67; figs. 15-18).

However, Stefik does not explicitly teach a browser hosted. On the other hand, Grawrock discloses a browser hosted when he discloses an Internet system (para. 0179, 0014, 0016-0017, 0019, and 0032). Grawrock discloses records may be stored as digital data in a computer that is operatively coupled to a network (e.g., the Internet). His system

authorizes user to connect via the Internet with a Web site. Thus, it would have been obvious to one of ordinary skill in the art to implement a browser hosted in an Internet that has a Web site as discloses in Grawrock.

Re claim 3, Stefik teaches when the consumer accesses the network address of the vendor, the vendor transmits to the consumer a page with the pricetag link that provides enough information to the consumer for the consumer to decide whether to look further into purchasing information from the vendor (col. 29, line 59 to col. 30, line 67). Stefik discloses billing transaction corresponding to pricetag.

Re claim 4, Stefik teaches third party redirects the consumer to link to the vendor and in so linking passes to the vendor the consumer authorization code and consumer address as parameters of the link (col. 26, line 38 to col. 27, line 67).

Re claims 6, 8, and 12, Stefik teaches third party stops timing access based on the consumer having exceeded a maximum duration of access to the information (figs. 15-18). In figures 15-18, Stefik discloses timing duration for being and ending sessions.

Re claims 7, 9, and 11, Stefik teaches third party stops timing access to the information when the consumer exercises an end-session link that redirects the consumer to the third party (col. 21, line 49 to col. 22, line 37). Stefik discloses time specification including end-session link.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Payne et al, US 5,715,314

Uemura, US 6,314,386

Matsliach et al, US 6,879,994

Hearn et al., US 5,640,505

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
4/14/2006



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